

1fw

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/749,334
Filed: December 31, 2003
Inventor(s):
John Colgrove
Par Botes
Michael Timpanaro-Perrotta
Charles Silvers
Peter Vajgel
Title: Backup Mechanism for a
Multi-Class File System

§ Examiner: Unknown
§ Group/Art Unit: 2188
§ Atty. Dkt. No: 5760-15000
§
§
§
§
§
§
§
§
§
§

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Robert C. Kowert

Robert C. Kowert *Apr. 17, 2005*
Signature Date

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests consideration of ☒ the references listed on the attached Form PTO-1449 and/or ☒ the additional information identified below in paragraph 3. A copy of the required references listed on the Form PTO-1449 are enclosed.

This Information Disclosure Statement includes copies of the content of one or more Internet web pages. Applicant notes that it is generally more difficult to accurately establish the publication dates for web pages than for printed media such as books and journal articles. Even if a web page lists a date of publication, it is possible that a web page author may make changes to the web page and forget to correspondingly change the publication date. Thus, a web page may include content which was added after the indicated publication date.

1. This Information Disclosure Statement is submitted:

- a. ☐ within 3 months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
☐ within 3 months of the date of entry of the national stage as set forth in § 1.491 in an International application;
☒ before the mailing date of a first Office Action on the merits; or
☐ before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- b. ☐ after the events of above paragraph 1a and prior to the mailing date of a final Office Action or Notice of Allowance, and thus: ☐ the certification of paragraph 2 below is provided, or ☐ a fee of \$180.00 is authorized below.
- c. ☐ after the mailing date of a final Office Action or a Notice of Allowance and prior to payment of the issue fee, and thus: the certification of paragraph 2 below is provided and a fee of \$180.00 is enclosed below.

2. It is hereby certified:

- ☐ that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or
- ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in § 1.56 (c) more than three months prior to the filing of the Statement.

3. ☒ Consideration of the following additional information (including any co-pending or abandoned U.S. applications, prior uses and/or sales, etc.) is requested:

U.S. Patent Application No.: 10/749,299	(5760-15100)
U.S. Patent Application No.: 10/750,597	(5760-14900)
U.S. Patent Application No.: 10/749,279	(5760-15200)
U.S. Patent Application No.: 10/750,401	(5760-15400)

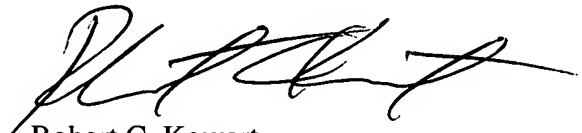
4. For each non-English language reference listed on the attached Form PTO-1449:

- ☐ reference is made to an English language translation submitted herewith, and/or
- ☐ reference is made to a foreign patent office search report (in the English language) submitted herewith, and/or
- ☐ reference is made to an English language translation of a foreign patent office search report submitted herewith, and/or
- ☐ reference is made to the concise explanation contained in the specification of the present application at page(s) _____, and/or
- ☐ reference is made to the concise explanation set forth below:

5. ☐ Applicant also offers the following comments for the Examiner's consideration:
6. ☐ Also enclosed is a copy of a foreign search report citing these references.
7. ☐ The listed documents were brought to the attention of the Applicant(s) after payment of the issue fee in the captioned case. The documents were cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. Applicant(s) request this Information Disclosure Statement and attached Form PTO-1449 be placed in the file of the captioned application.
8. ☐ Applicant(s) requests that the Information Disclosure Statement and attached Form PTO-1449 and references, which are being filed before the grant of the patent and pursuant to 37 C.F.R. § 1.97(i), be placed in the file of the captioned application.

The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel PC, Deposit Account No. 50-1505/5760-15000/RCK.

Respectfully submitted,



Robert C. Kowert
Reg. No. 39,255
Attorney for Applicant(s)

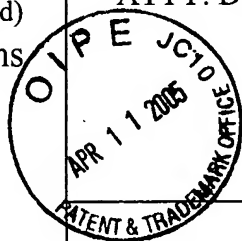
MEYERTONS HOOD KIVLIN KOWERT & GOETZEL PC
P. O. Box 398
Austin, Texas 78767
(512) 853-8800

Date: April 7, 2005

Form PTO-1449 (modified)
List of Patents and Publications
For Applicant's Information
Disclosure Statement
(Use several sheets if necessary)

ATTY. DOCKET NO: 5760-15000

SERIAL NO: 10/749,334



APPLICANT: Colgrove et al.

FILING DATE: December 31, 2003

GROUP: 2188

U.S. PATENT DOCUMENTS

EXAM. INITIALS	REF. DES	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

EXAM. INITIALS	REF. DES	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION. YES/NO

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

B5	"DiskXtender for UNIX System Administrator Guide – Release 2.5," Legato Systems, On., February 2003, (30 pages)						
B6	Mark Hoover, "Accidental Value," Acuitive, Inc., Hoov's Musings (Volume 6, Number 6), www.acuitive.com/musings/hmv6-6.htm , June 2003, (4 pages)						
B7	Richard McDougal, "Getting to know the Solaris File System, Part 1," www.solarisinternals.com/si/reading/sunworldonline , May 1999, (16 pages)						
B8	Veritas Software Corporation, "File System," White Paper, November 1996, 17 pages.						
B9	Philip Trautman, SGI, "Scalability and Performance in Modern Filesystems," White Paper, 2000, 14 pages.						
B10	Digital Equipment Corporation, "Advanced File System and Utilities for Digital UNIX, Guide to File System Administration," Version 4.0, April 1996, 158 pages.						
B11	Compaq, "Advanced File System Quick Reference," January 2002, 66 pages.						
B12	IBM, "IBM Tivoli Storage Manager," 2002, 6 pages.						
B13	Hewlett Packard, "Specifying Data Availability in Multi-Device File Systems," John Wilkes, et al., April 1, 1990, pp. 56-59.						

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the patent owner.